

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
LYNCHBURG DIVISION**

DERRICK FRETZ,

*Plaintiff,*

v.

CAROLYN W. COLVIN<sup>1</sup>

Acting Commissioner of Social Security,

*Defendant.*

CIVIL ACTION No. 6:12-cv-00044

**ORDER**

JUDGE NORMAN K. MOON

This matter is before the Court on the parties' cross Motions for Summary Judgment (docket nos. 9 and 11), and the Report & Recommendation of United States Magistrate Judge Robert S. Ballou (docket no. 19, hereinafter "Report"). Pursuant to Standing Order 2011-17 and 28 U.S.C. § 636(b)(1)(B), I referred this matter to Judge Ballou for proposed findings of fact and a recommended disposition. The parties filed cross motions for summary judgment, and on January 21, 2014, Judge Ballou filed a Report recommending that Plaintiff's Motion for Summary Judgment (docket no. 9) be denied, and the Commissioner's Motion for Summary Judgment (docket no. 11) be granted. After a review of the record in this case, and no objections having been filed to the Report within fourteen days of its service upon the parties, I adopt the Report in its entirety.

Accordingly:

1. The Report of January 21, 2014 (docket no. 19), is hereby ADOPTED in its entirety;

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<sup>1</sup> Carolyn W. Colvin became the Acting Commissioner of Social Security on February 14, 2013.

2. Plaintiff's Motion for Summary Judgment (docket no. 9) is hereby DENIED;
3. Defendant's Motion for Summary Judgment (docket no. 11) is hereby GRANTED; and
4. This case is hereby DISMISSED.

The Clerk of the Court is hereby directed to send a certified copy of this Order to all counsel of record and to United States Magistrate Judge Robert S. Ballou.

It is so ORDERED.

Entered this 10<sup>th</sup> day of February, 2014.

  
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NORMAN K. MOON  
UNITED STATES DISTRICT JUDGE